

Remarks:

Claims 1-30 are pending in the current application. Claims 1-4, 8, 11-14, 20, 22, 23, and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0143861 to Greene et al. in view of U.S. Patent Application No. 2001/0030950 to Chen et al. Claims 6, 10, 15, and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0049790 to Faccin et al. in view of U.S. Patent Application No. 2001/0024953 to Balogh. Claims 7 and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0049790 to Faccin et al. in view of U.S. Patent No. 5,623,535 to Leung et al. Claims 8, 9, 18 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,823,454 to Hind et al. in view of U.S. Patent Application No. 2001/0024953 to Balogh. Claims 24, 27, 30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0143861 to Greene et al. in view of U.S. Patent Application No. 2001/0049790 to Faccin et al. Claim 28 has been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0143861 to Greene et al. in view of U.S. Patent No. 6,823,454 to Hind et al. Claims 5 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0049790 to Faccin et al. in view of U.S. Patent Application No. 2001/0024953 to Balogh and in further view of U.S. Patent No. 6,219,697 to Lawande et al. Claim 26 has been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0143861 to Greene et al. in view of U.S. Patent Application No. 2001/0049790 to Faccin et al. and in further view of U.S. Patent No. 5,623,535 to Leung et al. Claim 25 has been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0143861 to Greene et al. in view of U.S. Patent Application No. 2001/0049790 to Faccin et al. and in further view of U.S. Patent Application No. 2001/0024953 to Balogh and in further view of U.S. Patent No. 6,219,697 to Lawande et al.

Claims 1, 6, 15-20, and 24-28 are amended. Claim 30 is canceled. No new matter has been added. Support for the amended language is provided in the specification and the drawings. The Applicant respectfully traverses the 103 grounds of rejection. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§103 Rejection(s):

Claims 1-4, 8, 11-14, 20, 22, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2002/0143861 (hereinafter referred to as “the Greene reference”) in view of U.S. Patent Application Number 2001/0030950 (hereinafter referred to as “the Chen reference”).

The Examiner contends that it would have been obvious to incorporate the teachings of Chen, and a software component, into the method of Greene in order to initialize broadband communications service configurations and for providing routing or bridging for networking communications, a communication interface for connecting to one or more networks. This rejection is respectfully traversed.

The Greene reference is directed to “a method and apparatus for managing cookies in a data processing system. In response to a selected event, a cookie file is requested from a source in which the cookie file contains a set of cookies of previously obtained cookies and is associated with a user. The cookie file is received in which the cookies are to access Web sites.” [See Abstract]. Greene is further directed to “a method and apparatus for managing cookies and other information in a network data processing system.” [See para. 0002, lines 4-6]. The main object of the Greene reference is to have an improved method and apparatus for managing state information. [See para. 0010, lines 1-3]. This object is met by “allowing a user to move from device to device and maintain a state of interaction with a web site.” [See para. 0025, lines 2-4].

Greene suggests a “network 102 may include connections, such as wire, wireless communication links, or fiber optic cables,” [See para. 0023, lines 10-11], and a network data processing system that “may include additional servers, clients, and other devices not shown. For example, other mobile devices, such as a mobile phone or a laptop computer may be used in addition to or in place of a PDA.” [See para. 0024, lines 12-15]. Greene further suggests “Communications unit 416 provides a mechanism to establish a wireless connection between PDA 400 and another data processing system. This wireless connection may be made using a

number of different protocols, such as Bluetooth wireless technology, which is a specification for small-form factor, low-cost, short range radio links between mobile PCs, mobile phones, and other portable devices. Of course any other wireless communications protocol or system may be used.” [See para. 0037, lines 9-16].

Claim 1 is amended to more distinctly recite the elements of the invention. Greene fails to disclose a “device in a short distance wireless network comprising: a processor; and, a memory, coupled to the processor, capable to store a software component for selectively obtaining a cellular network attribute from a cellular network responsive to a first terminal in the short distance wireless network communicating with the device, wherein the software component establishes a cellular data service session and obtains a cellular network attribute in the cellular network responsive to the communicating, and wherein the device is a mobile cellular communication device,” as recited in claim 1.

Particularly, Greene fails to teach, suggest or disclose a device that comprises “a software component for selectively obtaining a cellular network attribute from a cellular network responsive to a first terminal in a short distance wireless network communicating with the device, wherein the software component establishes a cellular data service session and obtains a cellular network attribute in the cellular network responsive to the communicating, and wherein the device is a mobile communication device.” Greene only discloses a client device in the network data processing system that utilizes Bluetooth as a wireless connection to a server in the network, where upon connection the server may send state information to the client device application for a user to use. It is respectfully submitted that the Greene reference does not disclose a cellular network device that is also a device in a short range wireless network, and that the cellular device will connect to a cellular network in response to a terminal in the short range wireless network.

The Examiner admits that the Greene reference does not teach, suggest nor disclose “a software component.” Further, the Examiner contends the Chen reference is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Chen, and a software component, into the method of Greene in order to initialize broadband communications

service configurations and for providing routing or bridging for networking communications, a communication interface for connecting to one or more networks.

The Chen reference is directed to an “integrated phone-based home gateway system.” [See Abstract]. The Chen reference discloses “broadband communications devices including phone-based home gateway interfaces,” [See para. 2, lines 1-2], where a “phone-based home gateway interface 18 is connected to a public switched telephone network (“PSTN”) 22 via one or more twisted pairs of copper wires, coaxial cable, fiber optic cable, other connection media or other connection interfaces such as wireless interfaces... The phone-based home gateway interface 18 may also be connected to other computer networks 24 such as the Internet, an intranet, etc. via coaxial cable, fiber optic cable other connection media or other connection interfaces such as wireless interfaces. [See para. 0038, lines 1-11].

Chen further teaches “The integrated, phone-based home gateway interface 36 may include an optional portable wireless telephone handset 38 that allows a user to use the handset 38 in the vicinity of the integrated, phone-based home gateway interface 36...the handset 38 is a 4-in-1 phone set including a cordless phone, mobile phone, web-phone (e.g., for Voice over IP (“VoIP”)) and walkie-talkie radio capabilities.” [See para. 0058, lines 1-12].

Chen further teaches “wired and wireless home electronic or other electronic devices, such as a WEB pad 56, a mobile phone 58, a lap top or notebook computer, a desk top personal computer 60, a PDA 62, smart appliances 64, alarm systems 66, home video monitoring equipment 68, etc. may interface with the integrated phone-based home gateway interface 36 through modular interfaces (e.g., RJ-11 or HPNA interfaces) or Bluetooth wireless interfaces. The wireless devices are connected to the integrated phone-based home gateway interface 36 over a Bluetooth piconet 70 or Bluetooth scatternet using the Bluetooth component 52.” [See para. 0067, lines 1-12]. Chen further teaches “for example, the wireless, integrated, phone-based home gateway interface 80 can be in communications with a WAP gateway 90 to provide long-range to-home wireless networking at the wireless, integrated phone-based home gateway interface 80 from a WAP enabled devices 92 or other long-range wireless devices via a wireless wide-area network (“WAN”) 94.” [See para. 0078, lines 1-7].

Chen further teaches “the ADSL ATU-R 104 is replaced with a high-speed wireless interface 107 as is illustrated in FIG. 6B. This high-speed wireless interface 107 provides a “wireless local loop” (“WLP”) for use in wireless, integrated, phone-based home gateway interface 84 (FIG. 4), to provide in-home and as well as to-home wireless networking. In one embodiment of the present invention, the high-speed wireless interface is an IEEE 802.11b wireless interface.” [See para. 0087, lines 2-9]. Chen further teaches “the high-speed wireless interface 107 is used without the ADSL ATU-R 104, but in combination with the RJ-11 interface 110 and the POTS [Plain Old Telephone Service] telephone module 108. In such an embodiment, the RJ-11 interface 110 and the POTS telephone module 108 are used to provide service provisioning and voice calls via the PSTN 22 that can be connected to other wireless devices via the high-speed wireless interface 107. In such an embodiment, the high-speed wireless interface 107 is also connected to the POTS telephone module 110.” [See para. 0088, lines 1-10].

Neither the Greene reference nor the Chen reference alone or in combination teach, suggest or disclose all the elements of the claimed embodiment of the current disclosure. The Chen reference fails to teach a cellular network that provides a cellular data service session that is established by a mobile communication device, which also exists as a device in a short distance wireless network. The Chen reference further fails to teach the mobile device responding to a request from a terminal that exists in the short distance wireless network to obtain data information from the cellular network, prompting the cellular data service session connection. The Chen reference only discloses a gateway that “connects computer networks using different protocols and/or operating at different transmission capacities,” [See para. 0009], that provides in-home and to-home networking, primarily over a PSTN connection phone system, limiting the application of the Chen reference disclosure to one location, typically at the home, for home device communications.

Further, the Chen reference only discloses a mobile phone that functions as a handset “in the vicinity of the integrated, phone-based home gateway interface 36,” [See para. 0058, lines 3-5], not as both a device in the short distance wireless network and a cellular mobile

communication device in a cellular network. Further, the Chen reference establishes connections automatically to “hide routing and bridging table population, data (e.g., IP) and broadband service configuration and provisioning complexity from home users by providing automatic population of routing and bridging tables, establishment of communications channels, initialization and provisioning of communication channel parameters,” [See para. 0136, lines 6-12], as opposed to a short distance wireless network device initiating a cellular network session connection as claimed.

Claims 6, 10, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2001/0049790 (hereinafter referred to as “the Faccin reference”) in view of U.S. Patent Application Number 2001/0024953 (hereinafter referred to as “the Balogh reference”). The Examiner contends Balogh is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Balogh into the method of Faccin in order to facilitate the mobility of users in a telecommunication system with a plurality of networks. This rejection is respectfully traversed.

The Faccin reference is directed to “a system and method of controlling an access of a subscriber to a network. The method includes sending an identification of the subscriber and a level of access to be provided to the subscriber from a visited network of a plurality of networks (12, 14, 16) connected to a home network (10); in response to the identification of the subscriber and a level of access to be provided to the subscriber, storing a subscriber profile of the authorized of access to be provided to the subscriber; and controlling access of the subscriber to any network dependent upon a comparison of access to be provided to the subscriber and the stored subscriber profile.” [See Abstract].

The Faccin reference teaches “the subscriber utilizes subscriber equipment 18 to transmit message “1” to the s-CSCF 22 to request an application level registration through the public cellular visited network 12 to the home network 10. The s-CSCF 22 transmits message “2” to a DNS 26 which resolves the address of the HSS 20 to which the application level registration message is to be sent from the s-CSCF 22. The address is returned from the DNS 26 to the s-CSCF 22 as message “3”. Thereafter the s-CSCF 22 transmits message “4” to the HSS 20 which

contains the subscriber identification and an identification of the application level of connectivity which is sought.” [See para. 0027, lines 2-13].

Claim 15 is amended to more distinctly recite the elements of the invention. The Faccin reference fails to disclose the method of “generating a first short-range radio message requesting a domain naming service ("DNS") address by a terminal in a short distance wireless network; receiving by a mobile cellular communication device in the short-range radio message; generating a cellular signal, by the mobile cellular communication device, to obtain a cellular data service in a cellular network; obtaining, by the mobile cellular communication device, a domain naming service ("DNS") address in the cellular network; and generating a second short-range radio message, by the mobile cellular communication device to the terminal, including the DNS address,” as recited in claim 15.

Particularly, the Faccin reference fails to teach, suggest or disclose “obtaining, by the mobile cellular communication device, a domain naming service ("DNS") address in the cellular network.” It is respectfully submitted that the “s-CSCF 22 transmits message “2” to a DNS 26” is not a mobile cellular communication device that receives a short-range radio message, generates a cellular signal, obtains a DNS address in the cellular network and generates a second short-range radio message as disclosed in the claimed embodiment. The claimed embodiment comprises a mobile cellular communication device that directly obtains the DNS address in the cellular network. The Faccin reference is distinguishable from the claimed embodiment whereby the subscriber equipment 18 in the public cellular visited network, shown in Figure 1, is the “mobile cellular communication device” of the claimed embodiment whereby the subscriber equipment 18 transmits a cellular message, but is not the device that obtains the DNS address. The Faccin reference further teaches a second and distinct element, the s-CSCF, to obtain the DNS address. The Faccin reference subscriber equipment (mobile cellular communication device) sends a first message “to the s-CSCF to request an application level registration” upon which the s-CSCF transmits a second “message to a DNS 26 which resolves the address.” The claimed embodiment requires only one sent message be sent, from the mobile cellular communication device (subscriber equipment) to the DNS, to resolve the address. The Faccin reference further fails to teach a short-range radio message generated by the mobile cellular

communication device, whereby the only communication by the subscriber equipment is to the public cellular visited network.

Additionally, it is respectfully submitted that the subscriber equipment disclosed by the Faccin reference is not the “terminal in a short distance wireless network” as this would require the mobile cellular communication device to be both the terminal “generating a first short-range radio message requesting a domain naming service,” and the “mobile cellular communication device” that receives the very same message request that it sent. This can not be true. The Faccin reference teaches two messages, the first by the subscriber equipment connected to the public cellular visited network and the second by the s-CSCF. The claimed embodiment’s two messages are the first sent by a terminal in the short distance wireless network, received by the mobile cellular communication device in the short distance wireless network, and the second sent by the mobile cellular communication device over the cellular network.

The Examiner admits that the Faccin reference does not teach, suggest nor disclose “a short-range radio message.” Examiner contends that it would have been obvious to incorporate the teachings of Balogh into the method of Faccin in order to facilitate the mobility of users in a telecommunication system with a plurality of networks.

The Balogh reference is directed to “a method for supporting mobility in a wireless telecommunication system which comprises at least one terminal, an access point currently serving the terminal and a plurality of other access points. The access points may be grouped into networks and the terminal is arranged to collect information about available access points.” [See Abstract].

The Balogh reference teaches a mobile terminal “compares 406 one or more connection attributes of the first and the second access point. It is checked whether the differences between the compared connection attributes of the first and the second access point fulfil pre-determined conditions...the predetermined conditions are advantageously determined so that the connection stays in the access point with the same network as long as possible.” [See para. 0042, lines 1-18].

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number: 2001/0049790, the Faccin reference, in view of U.S. Patent Number 5,623,535 (hereinafter referred to as “the Leung reference”). The Examiner admits that the Faccin reference does not teach, suggest nor disclose “measuring an amount of time since a device established a cellular data service session; comparing the measured amount of time to a threshold value.” Examiner contends Leung is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Leung into the method of Faccin in order to provide a method for controlling the operations of cellular communications or telephone systems based on the mobility and teletraffic statistics of mobile units operating within the system. This rejection is respectfully traversed.

Claim 17 is amended to more distinctly recite the elements of the invention. The Faccin reference fails to disclose the method of “measuring an amount of time since a mobile cellular communication device established a cellular data service session; comparing the measured amount of time to a threshold value, generating a cellular signal, by the mobile cellular communication device in the short distance wireless network, to obtain a cellular data service in a cellular network responsive to the comparing; obtaining, by the mobile cellular communication device, a domain naming service ("DNS") address in the cellular network; and, generating a short-range radio message, by the mobile cellular communication device to a terminal, including the DNS address,” as recited in claim 17.

Particularly, the Faccin reference fails to teach, suggest or disclose “obtaining, by the mobile cellular communication device, a domain naming service ("DNS") address in the cellular network.” It is respectfully submitted that the “s-CSCF 22 transmits message “2” to a DNS 26” is not a mobile cellular communication device that receives a short-range radio message, generates a cellular signal, obtains a DNS address in the cellular network and generates a second short-range radio message as disclosed in the claimed embodiment. The claimed embodiment comprises a mobile cellular communication device that directly obtains the DNS address in the cellular network. The Faccin reference is distinguishable from the claimed embodiment whereby the subscriber equipment 18 in the public cellular visited network, shown in Figure 1, is the “mobile cellular communication device” of the claimed embodiment whereby the subscriber

equipment 18 transmits a cellular message, but is not the device that obtains the DNS address. The Faccin reference further teaches a second and distinct element, the s-CSCF, to obtain the DNS address. The Faccin reference subscriber equipment (mobile cellular communication device) sends a first message “to the s-CSCF to request an application level registration” upon which the s-CSCF transmits a second “message to a DNS 26 which resolves the address.” The claimed embodiment requires only one sent message be sent, from the mobile cellular communication device (subscriber equipment) to the DNS, to resolve the address. The Faccin reference further fails to teach a short-range radio message generated by the mobile cellular communication device, whereby the only communication by the subscriber equipment is to the public cellular visited network.

The Leung reference is directed to “methods for controlling the operations of such systems [cellular communications or telephone systems] based on mobility and teletraffic statistics of mobile units operating within the system. In the present invention, mobile units collect their own mobility and teletraffic statistics and transmit aggregated statistics to base stations for control of the cellular system.” [See col. 1, lines 9-12]. The object of the Leung reference is “to provide improved methods for controlling operation of cellular communications systems to reduce the number of handoffs, to simplify handoff procedures and to improve customer perception of service quality... by monitoring, processing and transmitting at least one mobility or teletraffic statistic representing "typical" operation of mobile units... for prioritizing operations within the cellular communications system.” [See col. 7, lines 48-67].

The Leung reference teaches “the method may further comprise the steps of: continuing to perform the steps of measuring microcell sojourn times, and aggregating microcell sojourn times at each of the plurality of mobile units during the progress of established calls connected over the cellular communications system; performing the step of transmitting aggregated microcell sojourn times of the mobile units from the plurality of mobile units to the distributed base stations at times of microcell boundary crossings; performing the step of comparing aggregated microcell sojourn times to a threshold.” [See col. 3, lines 43-52]. The Leung reference further teaches “the method may further comprise the steps of... comparing aggregated

microcell sojourn times to an origination threshold between a low threshold and a high threshold.” [See col. 3, line 66 thru col. 4, line 8].

Additionally, the Leung reference teaches “One or more of the following parameters are to be monitored for use in the present invention: cell sojourn time, i.e. the amount of time a mobile unit spends in a microcell; area sojourn time, i.e. the amount of time a mobile unit spends in a defined network service area; call holding times, i.e. the time durations of calls of all types which are connected to a mobile unit, such as voice, data and multimedia calls; call throughput, i.e. the average number of calls initiated from or terminated to a mobile unit per unit time; the number of previous handoffs required for an ongoing call; the average number of handoffs per call; the holding time per call on an ongoing call basis; the time intervals between two failed handoffs associated with a mobile unit; and, the ratio of originating calls to terminating calls, i.e. the ratio of throughput of calls initiated from a mobile unit to calls terminated to the mobile unit.” [See col. 9, lines 26-42].

The Leung reference fails to teach, suggest or disclose “measuring an amount of time since a mobile cellular communication device established a cellular data service session; comparing the measured amount of time to a threshold value,” as recited in claim 17. It is respectfully submitted that the “microcell sojourn time” disclosed by Leung is not “an amount of time since a mobile cellular communication device established a cellular data service session.” Leung teaches the microcell sojourn time “is the amount of time a mobile unit spends in a defined network service area.” Thus, it is further respectfully submitted that the thresholds taught by Leung are not the thresholds disclosed in the claimed embodiment. The object of Leung is to minimize hand-offs of a mobile unit cellular signal based on the mobility of the mobile units such that a faster moving mobile unit will connect to a larger area macrocell and a slower moving mobile unit will connect to a smaller area microcell. Thus, the Leung reference has no need for time between cellular data service sessions of the mobile units.

Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,823,454 (hereinafter referred to as “the Hind reference”) in view of U.S. Patent Application Number 2001/0024953, the Balogh reference. The Examiner admits that the

Hind reference does not teach, suggest nor disclose “a short-range radio message and a short distance wireless network.” The Examiner contends Balogh is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Balogh into the method of Hind in order to facilitate the mobility of users in a telecommunication system with a plurality of networks. This rejection is respectfully traversed.

The Hind reference is directed to “a method, system, and computer program product for using device certificates to authenticate servers before automatic address assignment thereto.” [See Abstract]. The object of the Hind reference “is to provide a technique for enabling devices functioning as servers in a network to participate in automatic address assignment mechanisms; in a manner that enables the server requesting an automatically assigned address to be authenticated before assigning an address thereto...whereby the source of an automatically assigned address can be authenticated before the address is used by a server... using authentication between pairs of devices at the physical level... by using a digital certificate and a public/private key pair for a device, where the device is uniquely identified by a device identifier stored in the certificate.” [See col. 3, lines 42-61].

The Hind reference teaches “Client and server devices tend to attach to a network dynamically, and remain attached for varying lengths of time. Each such device must obtain a network address (such as an IP address), if it has not already been configured with one, in order to participate in network communications.” [See col. 1, lines 48-51]. Hind further teaches a method of a server device obtaining a network address of “sending an address assignment request from the server device to an address assignment service; receiving the address assignment request at the address assignment service; authenticating, by the address assignment service, the server device; assigning an address to the server device if the authentication determines that the server device is authentic; returning an address assignment response, comprising the assigned address, from the address assignment service to the server device if the authentication determines that the server device is authentic; and receiving the returned address assignment response at the server device.” [See col. 4, lines 13-24].

Claims 18 and 19 are amended to more distinctly recite the elements of the invention. The Hind reference fails to teach, suggest or disclose “generating a first short-range radio message requesting a domain naming service ("DNS") address by a terminal in a short distance wireless network; receiving, by a mobile cellular communication device in the short distance wireless network, the first short-range radio message; obtaining a first DNS address stored in the mobile cellular communication device; generating a second short-range radio message including the DNS address, by the mobile cellular communication device to the terminal; generating a cellular signal, by the mobile cellular communication device, to obtain a cellular data service in a cellular network; obtaining, by the mobile cellular communication device, a second DNS address in the cellular network; and generating a third short-range radio message, by the mobile cellular communication device to the terminal, including the second DNS address,” recited in claim 18.

The Hind reference discloses a method to issue a network address to a requesting incoming server device to the network as a means of maintaining a secure network by authenticating the identity of the incoming server, as well as the issuing network device such that the incoming server can also authenticate the network address assignment service server. “The present invention defines a novel technique for authenticating devices at the physical level in a pairing situation, such as pairing a host server with a DHCP server where the host server will request an automatic address assignment from a DHCP service operating on the DHCP server.” [See col. 9, lines 51-56].

Claims 24, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number: 2002/0143861, the Greene reference, in view of U.S. Patent Application Number 2001/0049790, the Faccin reference. This rejection is respectfully traversed.

Regarding Claim 24, the Examiner admits that the Greene reference does not teach, suggest nor disclose “receiving a domain naming service ("DNS") address from a cellular data service; receiving a first short-range radio message and to generate a second short-range radio message including the DNS address; storing a software component (s-CSCF) to obtain the DNS address; a first wireless device capable to generate the first short-range radio message and to receive the second short-range radio message.” The Examiner contends Faccin is in the same

field of endeavor and that it would have been obvious to incorporate the teachings of Faccin into the method of Greene in order to provide a system and a method of controlling access of a subscriber to any network.

Regarding Claim 27, the Examiner further admits that the Greene reference does not teach, suggest nor disclose “generating a first short-range radio message including a first domain naming service (“DNS”) request and to receive a second short-range radio message including an IP address responsive to the DNS request; storing a software component (s-CSCF) to relay the DNS request to the DNS address using a cellular data service session.” The Examiner contends Faccin is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Faccin into the method of Greene in order to provide a system and a method of controlling access of a subscriber to any network.

The Greene reference, as summarized above, is directed to “a method and apparatus for managing cookies in a data processing system. In response to a selected event, a cookie file is requested from a source in which the cookie file contains a set of cookies of previously obtained cookies and is associated with a user. The cookie file is received in which the cookies are to access Web sites.” [See Abstract]. Greene is further directed to “a method and apparatus for managing cookies and other information in a network data processing system.” [See para. 0002, lines 4-6]. The main object of the Greene reference is to have an improved method and apparatus for managing state information. [See para. 0010, lines 1-3]. This object is met by “allowing a user to move from device to device and maintain a state of interaction with a web site.” [See para. 0025, lines 2-4].

The Greene reference teaches “Communications unit 416 provides a mechanism to establish a wireless connection between PDA 400 and another data processing system. This wireless connection may be made using a number of different protocols, such as Bluetooth wireless technology, which is a specification for small-form factor, low-cost, short range radio links between mobile PCs, mobile phones, and other portable devices.” [See para. 0037, lines 9-16].

Claims 24 and 27 are amended to more distinctly recite the elements of the invention. Regarding claims 24 and 27, the Greene reference fails to teach, suggest or disclose “a hand-held wireless device, including: a cellular transceiver capable to communicate with the cellular network...; a short-range transceiver capable to communicate with the short distance wireless network, including to receive a first short-range radio message and to generate a second short-range radio message,” as recited in claims 24 and 27. It is respectfully submitted that Greene does not teach a single device that includes the capability to communicate on both a cellular network and a short range network, in fact, the Greene reference fails to teach a cellular network connection. Further, Figure 1 in the Greene reference only shows a single network in which the device is wirelessly connected. Further still, the phrase “a mechanism to establish a wireless connection” is singular, thus it is further respectfully submitted that the Greene reference only has one transceiver. Greene’s failure to teach a cellular transceiver capable to communicate with the cellular network is further supported by the Examiner’s rejection of claim 30 whereby the Examiner admits that the Greene reference does not teach, suggest nor disclose “A cellular software component to provide a communication signal in a cellular network; and, a software component to obtain a domain naming service (“DNS”) address in a cellular network responsive to receiving the first short-range radio signal wherein the short-range radio software component generates a second short range radio signal including the DNS address.”

The Faccin reference teaches “the subscriber utilizes subscriber equipment 18 to transmit message "1" to the s-CSCF 22 to request an application level registration through the public cellular visited network 12 to the home network 10. The s-CSCF 22 transmits message "2" to a DNS 26 which resolves the address of the HSS 20 to which the application level registration message is to be sent from the s-CSCF 22. The address is returned from the DNS 26 to the s-CSCF 22 as message "3". Thereafter the s-CSCF 22 transmits message "4" to the HSS 20 which contains the subscriber identification and an identification of the application level of connectivity which is sought.” [See para. 0027, lines]. Faccin further teaches “the entity providing voice over internet protocol/internet protocol (VoIP/IP) multimedia services may remain in the same network regardless of whether the network providing the multimedia services is a home or visited network. Examples of such entities VoIP/IP multimedia networks are, e.g. Call State Control function (CSCF).” [See para. 0003, lines 5-11]. Faccin further suggests the s-CSCF is

an entity in the providing network, where the network is the public cellular visited network and that “the plurality of connected networks...illustrated in FIG. 1 a public cellular visited network 12 such as a GPRS.” [See para. 0026, lines 3-5].

The Faccin reference fails to teach, suggest or disclose “generate a first short-range radio message...receive a second short-range message,” as recited in claims 24 and 27. The Faccin reference only teaches the message request being sent by the subscriber equipment to the public cellular visited network, where the subscriber equipment is communicating in the GPRS network, a wide range cellular protocol. Thus, it is respectfully submitted that the cellular wide range network of the public cellular visited network is not a short-range network requiring short range radio messages as disclosed in the claimed embodiment.

Regarding Claim 30, the Examiner further admits that the Greene reference does not teach, suggest nor disclose “A cellular software component to provide a communication signal in a cellular network; and, a software component to obtain a domain naming service ("DNS") address in a cellular network responsive to receiving the first short-range radio signal wherein the short-range radio software component generates a second short range radio signal including the DNS address.” Examiner contends Faccin is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Faccin into the method of Greene in order to provide a system and a method of controlling access of a subscriber to any network. Claim 30 is canceled; therefore the rejection is rendered moot.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2002/0143861), the Greene reference, in view of U.S. Patent Number 6,823,454, the Hind reference. The Examiner admits that the Greene reference does not teach, suggest nor disclose “a short-range transceiver to communicate with the short-range radio network, including to generate the first and the second short-range radio messages including the first and the second DNS addresses, respectively; a memory, coupled to the cellular and short-range transceivers, capable to store a software component to provide a first DNS address to the first wireless device and terminate communication with the first wireless device responsive to a comparison of the first DNS and the second DNS addresses obtained from the cellular network

using a cellular data service session.” Examiner contends Hind is in the same field of endeavor and that it would have been obvious to incorporate the teachings of Hind into the method of Greene in order to provide a technique for enabling devices functioning as servers in a network to participate in automatic address assignment mechanisms. This rejection is respectfully traversed.

The Greene reference teaches “Communications unit 416 provides a mechanism to establish a wireless connection between PDA 400 and another data processing system. This wireless connection may be made using a number of different protocols, such as Bluetooth wireless technology, which is a specification for small-form factor, low-cost, short range radio links between mobile PCs, mobile phones, and other portable devices.” [See para. 0037]. Greene further teaches “FIG. 1 depicts a pictorial representation of a network of data processing systems in which the present invention may be implemented. Network data processing system 100 is a network of computers in which the present invention may be implemented. Network data processing system 100 contains a network 102, which is the medium used to provide communications links between various devices and computers connected together within network data processing system 100. Network 102 may include connections, such as wire, wireless communication links, or fiber optic cables.” [See para. 23, lines 1-11].

Claim 28 is amended to more distinctly recite the elements of the invention. The Greene reference fails to teach, suggest or disclose “a hand-held wireless device, including: a cellular transceiver capable to communicate with the cellular network,” as recited in claims 28. It is respectfully submitted that Greene does not teach a hand-held device that includes the capability to communicate on a cellular network, in fact, the Greene reference fails to teach a cellular network connection. Further, Figure 1 in the Greene reference only shows the device is wirelessly connected in a network of computers, with no reference to a cellular network. Greene teaches that Figure 1 is a PDA connected to the network by a short-range network connection.

The Hind reference teaches “The workstation 10 may communicate with other computers or networks of computers, for example via a communications channel or modem 32. Alternatively, the workstation 10 may communicate using a wireless interface at 32, such as a

CDPD (cellular digital packet data) card. The workstation 10 may be associated with such other computers in a LAN or a wide area network (WAN), or the workstation 10 can be a client in a client/server arrangement with another computer, etc. When communicating using a LAN, an appropriate adapter card or interface device 32 (see FIG. 1B), such as an Ethernet or Token Ring card, is used for data transmission.” [See col. 8, lines 14-27]. Hind further teaches “The workstations 10 may connect to the wireless network 42 using a networking protocol such as the Transmission Control Protocol/Internet Protocol ("TCP/IP") over a number of alternative connection media, such as cellular phone, radio frequency networks, satellite networks, etc. The wireless network 42 preferably connects to the gateway 46 using a network connection 50a such as TCP or UDP (User Datagram Protocol) over IP, X.25, Frame Relay, ISDN (Integrated Services Digital Network), PSTN (Public Switched Telephone Network), etc. The workstations 10 may alternatively connect directly to the gateway 46 using dial connections 50b or 50c.” [See col. 9, lines 13-24].

The Hind reference fails to teach, suggest or disclose “a short range transceiver to communicate with the short-range radio network, including to generate the first and the second short-range radio messages,” as recited in claim 28. The Hind reference only teaches a cellular digital packet data card wireless interface. It is respectfully submitted that the cellular digital packet data card wireless interface is not a short range radio network.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2001/0049790, the Faccin reference, in view of U.S. Patent Application Number 2001/0024953, the Balogh reference, and further in view of U.S. Patent Number 6,219,697, (hereinafter referred to as “the Lawande reference”). This rejection is respectfully traversed.

Regarding Claim 16, the Examiner admits that the Faccin reference does not teach, suggest nor disclose “a short-range transceiver to communicate with the short-range radio network, including to generate the first and the second short-range radio messages including the first and the second DNS addresses, respectively; a memory, coupled to the cellular and short-range transceivers, capable to store a software component to provide a first DNS address to the

first wireless device and terminate communication with the first wireless device responsive to a comparison of the first DNS and the second DNS addresses obtained from the cellular network using a cellular data service session.” The Examiner contends Balogh and Lawande are in the same field of endeavor and that it would have been obvious to incorporate the teachings of Balogh into the method of Faccin in order to facilitate the mobility of users in a telecommunication system with a plurality of networks. The Examiner further contends it would have been obvious to incorporate the teachings of Lawande into the method of Faccin and Balogh in order to provide the operation of a high speed data network, which interconnects different application modules.

The Faccin reference is directed to “a system and method of controlling an access of a subscriber to a network. The method includes sending an identification of the subscriber and a level of access to be provided to the subscriber from a visited network of a plurality of networks (12, 14, 16) connected to a home network (10); in response to the identification of the subscriber and a level of access to be provided to the subscriber, storing a subscriber profile of the authorized of access to be provided to the subscriber; and controlling access of the subscriber to any network dependent upon a comparison of access to be provided to the subscriber and the stored subscriber profile.” [See Abstract].

The Faccin reference teaches “the subscriber utilizes subscriber equipment 18 to transmit message "1" to the s-CSCF 22 to request an application level registration through the public cellular visited network 12 to the home network 10. The s-CSCF 22 transmits message "2" to a DNS 26 which resolves the address of the HSS 20 to which the application level registration message is to be sent from the s-CSCF 22. The address is returned from the DNS 26 to the s-CSCF 22 as message "3". Thereafter the s-CSCF 22 transmits message "4" to the HSS 20 which contains the subscriber identification and an identification of the application level of connectivity which is sought.” [See para. 0027, lines 1-13].

Claim 16 is amended to more distinctly recite the elements of the invention. The Faccin reference fails to disclose the method of “comparing a current IP address and current access point name ("APN") to a previous IP address and a previous APN; generating a cellular signal,

by the a mobile cellular communication device, to obtain a cellular data service in a cellular network responsive to the comparing; obtaining, by the mobile cellular communication device, a domain naming service ("DNS") address in the cellular network; and generating a second short-range radio message, by the mobile cellular communication device to a terminal, including the DNS address," as recited in claim 16.

Particularly, the Faccin reference fails to teach, suggest or disclose "obtaining, by the mobile cellular communication device, a domain naming service ("DNS") address in the cellular network." It is respectfully submitted that the "s-CSCF 22 transmits message "2" to a DNS 26" is not a mobile cellular communication device that generates a cellular signal, obtains a DNS address in the cellular network and generates a second short-range radio message as disclosed in the claimed embodiment. The claimed embodiment comprises a mobile cellular communication device that directly obtains the DNS address in the cellular network. The Faccin reference is distinguishable from the claimed embodiment whereby the subscriber equipment 18 in the public cellular visited network, shown in Figure 1, is the "mobile cellular communication device" of the claimed embodiment whereby the subscriber equipment 18 transmits a cellular message, but is not the device that obtains the DNS address. The Faccin reference further teaches a second and distinct element, the s-CSCF, to obtain the DNS address. The Faccin reference subscriber equipment (mobile cellular communication device of claimed embodiment) sends a first message "to the s-CSCF to request an application level registration" upon which the s-CSCF transmits a second "message to a DNS 26 which resolves the address." The claimed embodiment requires only one message be sent, from the mobile cellular communication device (subscriber equipment) to the DNS, to resolve the DNS address. The Faccin reference further fails to teach "generating a cellular signal...responsive to the comparing." The cellular signal of Faccin is initiated by the subscriber, there is no comparison suggested by the Faccin reference prior to sending the cellular message.

The Lawande reference is directed to "the operation of a high speed data network which interconnects different application modules, and more particularly relates to a method and apparatus for operating IP protocol over a high-speed bus such as an IEEE 1394 high-speed bus." [See Abstract]. The primary object of the Lawande reference is "to integrate the IP protocol with

an IEEE 1394 high-speed bus.” [See col. 4, lines 60-61]. Further object of the Lawande reference is “to provide a means for inserting or removing nodes from a network at any level in the computer architecture without disturbing the on-going traffic on other nodes in the network.” [See col. 4, lines 62-65].

The Lawande reference teaches “the IEEE 1394 protocol requires the use of a physical address of the destination node.” [See col. 2, lines 53-54]. Lawande further teaches “the IEEE 1394 physical address is generated dynamically by the IEEE 1394 and can change upon a bus reset.” [See col. 2, lines 53-54]. Thus when the bus resets the address of the IEEE 1394 node can change and must be verified and corrected. Lawande further teaches “manager builds a temporary look-up table which maps the current IP addresses for the specific network identifiers. The manager then uses its comparator 194 in its processor 192 to compare the values in the historical look-up table 194 which contains the network identifier and the previous IP and IEEE addresses with the Get-Priority-Responses. The processor 192 then determines the previous IP address for the specific network identifier. The network manager 190 then assigns the previous IP address before the bus reset to the node for the specific network identifier. After all of the nodes are assigned their previous IP addresses, a new look-up table is created, deleting the nodes which were removed and adding the IP and IEEE 1394 addresses for the nodes that were inserted.” [See col. 15, lines 38-51]. Lawande still further teaches the “network identifier is a unique 32-bit network identifier which is hardwired into each node during manufacture in the factory.” [See col. 14, lines 14-16]. Further, Lawande teaches “Besides being unique for each node, the network identifier never changes for the lifetime of the node.” [See col. 14, lines 55-57].

The Lawande reference fails to teach, suggest or disclose “comparing a current IP address and current access point name (“APN”) to a previous IP address and a previous APN,” as recited in claim 16. The Lawande reference compares the network identifiers that are hardwired into each node, and are thus unchangeable, then replaces the temporary IP address with the previous IP address based on the comparison of the network identifiers that are the same. The Lawande reference then removes from the lookup table, the nodes that have no current network identifier and adds the new nodes where the network identifier did not exist on the previous lookup table

before the reset. It is respectfully submitted that the network identifiers are not the current or previous IP addresses as disclosed in the claimed embodiment. The claimed invention compares the actual current and previous IP address of the DNS request to determine whether the mobile cellular communication device will request again the DNS address, without concern for any hardwired unchangeable “network identifiers.”

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2002/0143861, the Greene reference, in view of U.S. Patent Application Number 2001/0049790, the Faccin reference, and further in view of U.S. Patent Number 5,623,535, the Leung reference. This rejection is respectfully traversed.

The Examiner admits that the Greene reference does not teach, suggest nor disclose “receiving a domain naming service (“DNS”) address from a cellular data service; generating a first short-range radio message including the DNS address; storing a software component (s-CSCF) to obtain the DNS address; a first wireless device capable to receive the first short-range radio message.” The Examiner contends Faccin and Leung are in the same field of endeavor and that it would have been obvious to incorporate the teachings of Faccin into the method of Greene in order to provide a system and a method of controlling access of a subscriber to any network.

The Examiner further admits Greene and Faccin do not teach, suggest nor disclose “a threshold time value.” The Examiner further contends that it would have been obvious to incorporate the teachings of Leung into the method of Greene and Faccin in order to provide a method for controlling the operations of cellular communications or telephone systems based on the mobility and teletraffic statistics of mobile units operating within the system.

Claim 26 is amended to more distinctly recite the elements of the invention. Regarding Claim 26 the Greene reference fails to teach, suggest or disclose “a hand-held wireless device, including: a cellular transceiver capable to communicate with the cellular network...; a short-range transceiver capable to communicate with the short distance wireless network, including to receive a first short-range radio message and to generate a second short-range radio message,” as recited in claims 24 and 27. It is respectfully submitted that Greene does not teach a single

device that includes the capability to communicate on both a cellular network and a short range network, in fact, the Greene reference fails to teach a cellular network connection. Further, Figure 1 in the Greene reference only shows a single network in which the device is wirelessly connected. Further still, the phrase “a mechanism to establish a wireless connection” is singular, thus it is further respectfully submitted that the Greene reference only has one transceiver. Greene’s failure to teach a cellular transceiver capable to communicate with the cellular network is further supported by the Examiner’s rejection of claim 30 whereby the Examiner admits that the Greene reference does not teach, suggest nor disclose “A cellular software component to provide a communication signal in a cellular network; and, a software component to obtain a domain naming service (“DNS”) address in a cellular network responsive to receiving the first short-range radio signal wherein the short-range radio software component generates a second short range radio signal including the DNS address.”

Regarding Claim 26 the Faccin reference fails to teach, suggest or disclose “generate a short-range radio message including the DNS address;...a first wireless device to receive the first short-range radio message.” The Faccin reference only teaches the subscriber equipment connection to the public cellular visited network in the s-CSCF obtaining the DNS address. There is no teaching of a short-range radio message or a short-range network.

Regarding Claim 26 the Leung reference fails to teach, suggest or disclose “comparing a threshold time value to a measured amount of time since a mobile cellular communication device established a cellular data service session.” It is respectfully submitted that the “microcell sojourn time” disclosed by Leung is not “an amount of time since a mobile cellular communication device established a cellular data service session.” Leung teaches the microcell sojourn time “is the amount of time a mobile unit spends in a defined network service area.” Thus, it is further respectfully submitted that the thresholds taught by Leung are not the thresholds disclosed in the claimed embodiment. The object of Leung is to minimize hand-offs of a mobile unit cellular signal based on the mobility of the mobile units such that a faster moving mobile unit will connect to a larger area macrocell and a slower moving mobile unit will connect to a smaller area microcell. Thus, the Leung reference has no need for time between cellular data service sessions of the mobile units.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2002/0143861, the Greene reference, in view of U.S. Patent Application Number 2001/0049790, the Faccin reference, further in view of U.S. Patent Application Number 2001/0024953, the Balogh reference, and further in view of U.S. Patent Number 6,219,697, the Lawande reference. This rejection is respectfully traversed.

The Examiner admits that the Greene reference does not teach, suggest nor disclose “receiving a domain naming service ("DNS") address from a cellular data service; generating a first short-range radio message including the DNS address; storing a software component (s-CSCF) to obtain the DNS address; a first wireless device capable to receive the first short-range radio message.” The Examiner contends Faccin, and Lawande are all in the same field of endeavor as Greene and that it would have been obvious to incorporate the teachings of Faccin into the method of Greene in order to provide a system and a method of controlling access of a subscriber to any network.

The Examiner further admits Greene and Faccin do not teach, suggest nor disclose “the comparison of a current access point name ("APN") and a previous APN.” The Examiner further contends that it would have been obvious to incorporate the teachings of Balogh into the method of Greene and Faccin in order to facilitate the mobility of users in a telecommunication system with a plurality of networks.

The Examiner further admits Greene and Faccin and Balogh do not teach, suggest nor disclose “the comparison of a current cellular network address and a previous cellular network address.” The Examiner further contends that it would have been obvious to incorporate the teachings of Lawande into the method of Greene and Faccin and Balogh in order to provide the operation of a high speed data network, which interconnects different application modules.

Claim 25 is amended to more distinctly recite the elements of the invention. Regarding Claim 25 the Greene reference fails to teach, suggest or disclose “a hand-held wireless device, including: a cellular transceiver capable to communicate with the cellular network...; a short-

range transceiver capable to communicate with the short distance wireless network, including to receive a first short-range radio message and to generate a second short-range radio message,” as recited in claims 25. It is respectfully submitted that Greene does not teach a single device that includes the capability to communicate on both a cellular network and a short range network, in fact, the Greene reference fails to teach a cellular network connection. Further, Figure 1 in the Greene reference only shows a single network in which the device is wirelessly connected. Further still, the phrase “a mechanism to establish a wireless connection” is singular, thus it is further respectfully submitted that the Greene reference only has one transceiver. Greene’s failure to teach a cellular transceiver capable to communicate with the cellular network is further supported by the Examiner’s rejection of claim 30 whereby the Examiner admits that the Greene reference does not teach, suggest nor disclose “A cellular software component to provide a communication signal in a cellular network; and, a software component to obtain a domain naming service (“DNS”) address in a cellular network responsive to receiving the first short-range radio signal wherein the short-range radio software component generates a second short range radio signal including the DNS address.”

Regarding Claim 25 the Faccin reference fails to teach, suggest or disclose “generate a short-range radio message including the DNS address;...a first wireless device to receive the first short-range radio message.” The Faccin reference only teaches the subscriber equipment connection to the public cellular visited network in the s-CSCF obtaining the DNS address. There is no teaching of a short-range radio message or a short-range network.

Regarding Claim 25 the Leung reference fails to teach, suggest or disclose “comparing a threshold time value to a measured amount of time since a mobile cellular communication device established a cellular data service session.” It is respectfully submitted that the “microcell sojourn time” disclosed by Leung is not “an amount of time since a mobile cellular communication device established a cellular data service session.” Leung teaches the microcell sojourn time “is the amount of time a mobile unit spends in a defined network service area.” Thus, it is further respectfully submitted that the thresholds taught by Leung are not the thresholds disclosed in the claimed embodiment. The object of Leung is to minimize hand-offs of a mobile unit cellular signal based on the mobility of the mobile units such that a faster

moving mobile unit will connect to a larger area macrocell and a slower moving mobile unit will connect to a smaller area microcell. Thus, the Leung reference has no need for time between cellular data service sessions of the mobile units.

Regarding Claims 1, 24, 25, 26, 27 and 28 it is respectfully submitted that the Applicant has carefully reviewed the cited portions of the references. Neither the Chen nor the Faccin, nor the Balogh, nor the Leung, nor the Hind, nor the Lawande references, either alone or in the cited combinations, cure the deficiencies of the Greene reference. Further, the Examiner has not provided any reason why it would be common knowledge to modify the Greene reference in the direction of the present invention or combine the seven (7) cited references.

Regarding Claims 15, 16 and 17 it is respectfully submitted that the Applicant has carefully reviewed the cited portions of the references. Neither the Balogh, nor the Leung, nor the Lawande references, either alone or in the cited combinations, cure the deficiencies of the Faccin reference. Further, the Examiner has not provided any reason why it would be common knowledge to modify the Greene reference in the direction of the present invention or combine the four (4) cited references.

Regarding Claims 18 and 19 it is respectfully submitted that the Applicant has carefully reviewed the cited portions of the references. The Balogh reference, either alone or in the cited combination, does not cure the deficiencies of the Hind reference. Further, the Examiner has not provided any reason why it would be common knowledge to modify the Greene reference in the direction of the present invention or combine the two (2) cited references.

“The rationale supporting an obviousness rejection may be based on common knowledge in the art or “well-known” prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner.” MPEP §2144.03

MPEP §2143 provides:

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.”

While the suggestion to modify or combine references may come from the knowledge and common sense of a person of ordinary skill in the art, the fact that such knowledge may have been within the province of the ordinary artisan does not in and of itself make it so, absent clear and convincing evidence of such knowledge. C.R. Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 1352, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998) (emphasis added).

Here, the modification or combination proposed by the Examiner is not based on any clear and convincing evidence of a reason, suggestion, or motivation in the prior art that would have led one of ordinary skill in the art to combine the references. Rather, the reason, suggestion and motivation for the combination of references proposed by the Examiner simply is impermissible hindsight reconstruction given the benefit of the references’ disclosures.

The Federal Circuit has consistently held that hindsight reconstruction does not constitute a prima facie case of obviousness under 35 U.S.C. § 103. In re Geiger, 2 USPQ2d 1276 (Fed Cir. 1987). Unfortunately, the Examiner rather than pointing to what the prior art discloses and teaches as to making the suggested modification relies on assumptions and statements without any support in the record. As such, the Examiner’s statements regarding obviousness and motivation to modify are but shortcuts to a conclusion of obviousness devoid of the required analytical approach based on what is actually disclosed in the prior art.

Reliance on impermissible hindsight to avoid express limitations in the claims and setting forth unsupported hypothetical teachings to recreate the Applicant’s claimed invention cannot establish a prima facie case of obviousness. Since obviousness may not be established by hindsight reconstruction, Applicants invite the Examiner to point out the alleged motivation to

combine with specificity,¹ or alternatively provide a reference or affidavit in support thereof, pursuant to MPEP §2144.03.²

Since no reasonable justification is provided in the Office Action as to how such modification or combination is possible and obviousness may not be established based on hindsight and conjecture, it is respectfully requested that the 103 grounds of rejection be withdrawn, or the Examiner is requested to point out the portions of the cited references that teach or suggest such elements, or their combination, with specificity.

For the above reasons, it is respectfully submitted that the Greene reference alone or in combination with the Chen and Faccin and Balogh and Leung and Hind and Lawande references, fails to teach, suggest or disclose the recited elements in amended claims 1 and 24-29. Therefore, claims 1 and 24-29 should be in condition for allowance. It is further respectfully submitted that the Faccin reference alone or in combination with the Balogh and Lawande references, fails to teach, suggest or disclose the recited elements in amended claims 15-17. Therefore, claims 1 and 24-29 should also be in condition for allowance. It is still further respectfully submitted that the Hind reference alone or in combination with the Balogh reference, fails to teach, suggest or disclose the recited elements in amended claims 18 and 19. Claims 2 through 14 depend on claim 1, claims 20 through 23 depend on claim 19, and claim 29 depends on claim 28, and should be in condition for allowance by the virtue of their dependence on an allowable base claim.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² “The rationale supporting an obviousness rejection may be based on common knowledge in the art or “well-known” prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner.”

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe that there are matters relating to this application remaining that can be resolved in a telephone interview, the Examiner is urged to call the Applicant's undersigned attorney.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623 2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

/F. Jason Far-hadian/

Date: August 2, 2007

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